

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTONROBERT JAMES CHILDRESS,
Plaintiff,

vs.

DIRECTOR McGRATH, DR.
KENNEDY and DR. ESCADON,

Defendants.

NO: 2:14-cv-00080-JTR

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING FIRST AMENDED
COMPLAINT**1915(g)**

BEFORE THE COURT is Magistrate Judge Rodgers' Report and Recommendation to Dismiss the First Amended Complaint for failure to state a claim upon which relief may be granted and to count such dismissal as a "strike" under 28 U.S.C. § 1915(g). ECF No. 13. Plaintiff, a prisoner at the Kootenai County Public Safety Building in Coeur d'Alene, Idaho, is proceeding *pro se* and *in forma pauperis*. Defendants have not been served.

There being no objections, **IT IS ORDERED** the Report and Recommendation, ECF No. 13, is **ADOPTED IN ITS ENTIRETY**. The First Amended Complaint, ECF No. 12, is **DISMISSED with prejudice** for failure to

ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING FIRST AMENDED COMPLAINT -- 1

1 state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and
2 1915A(b)(1).

3 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who
4 brings three or more civil actions or appeals which are dismissed as frivolous or for
5 failure to state a claim will be precluded from bringing any other civil action or
6 appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious
7 physical injury.” 28 U.S.C. § 1915(g). **Plaintiff is advised to read the new**
8 **statutory provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff’s**
9 **complaint may count as one of the three dismissals allowed by 28 U.S.C. §**
10 **1915(g) and may adversely affect his ability to file future claims.**

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
12 Order, enter judgment, forward copies to Plaintiff at his last known address, and
13 close the file. The District Court Executive is further directed to forward a copy of
14 this Order to the Office of the Attorney General of Washington, Criminal Justice
15 Division. The Court certifies any appeal of this dismissal would not be taken in
16 good faith.

17 **DATED** this 6th day of November 2014.

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20 s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Chief United States District Court Judge